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10/663,477

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EXAMINER

RADTKE, MARK A

ART UNIT

PAPER NUMBER

2165

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/663,477	Applicant(s) NIELSEN ET AL.	
	Examiner MARK A. X RADTKE	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11, 13, 14, 20 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 13, 14, 20 and 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on 27 July 2009, claims 8-11, 13-14, 20 and 29-37 are presently pending in the application, of which, claim(s) 20, 29, 31 and 35 is/are presented in independent form.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-11, 13-14, 20 and 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nokia ("Nokia 7650 User's Guide", Issue 4EN. Applicant's IDS filed 9 February 2004 states that this guide was released 7 June 1998) in view of LG ("LG VX6000 Manual". PDF file created 20 May 2003, the presumed publication date).

As to claim 20, Nokia teaches a computer readable medium encoded with a computer program comprising:

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program instructions for controlling an electronic device, the electronic device having a digital camera and a user input device (see page 50, "Camera", "Joystick"), which program instructions when loaded into a processor, provide:

a database software application (see page 42, "Contacts");

a camera control software application that is separate from the database software application (see page 50, "Taking pictures", step 1, "Camera application"); and

an image viewing software application that is separate from the camera control software application and the database software application (see page 53, "Images allows you to view [...] photos and pictures stored in your phone" and see page 50, "Images application"),

wherein the database software application provides a user interface that enables a user to access personal data organized as a plurality of contacts entries in a database, where each contacts entry is associated with a different person (see page 42, "Contacts") and has one or more alphanumeric text fields (see page 42, "Creating contact cards", step 2, "Fill in the fields") and an image field (see page 42, "Contacts", "You can also add [...] a thumbnail image to a contact card.") and the camera control software application providing a user interface that enables the user to control the electronic device using the user input device for displaying the camera menu to capture an image via the digital camera (see page 50, "Camera") and automatically presenting a user selectable option, on capturing an image, for entering the database software application and using the captured image as an image field of a contacts entry of the database (see page 51, "Portrait [...] can be added to a contact card" and see pages 43-

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44, "Inserting a picture to a contact card"), and presenting a user selectable option to access the captured image through the image viewing software application (see page 44, "Options when viewing a contact card"), wherein functionality of the camera menu is provided by the camera control software application (see page 50, "Menu -> Camera") and wherein functionality of the phonebook menu is provided by the database software application (see page 42, "Menu -> Contacts").

Nokia does not explicitly teach wherein the camera control application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu.

However, LG teaches wherein the camera control application provides for taking a picture and then assigning the picture from a camera menu instead of from a phonebook menu (see page 51, "Set As ... Contacts").

Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to modify Nokia by the teachings of LG because the combination of prior art elements would be done according to known methods to yield predictable results.

Nokia, as modified, still does not explicitly teach "immediately" presenting an option to use the captured image as an image field of a contacts entry of the database.

However, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to have further modified Nokia to immediately present such an option upon capturing an image because it would merely provide an automatic means to replace a manual activity which accomplished the same result (see MPEP

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2144.04.III and *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)).

Furthermore, providing shortcuts for commonly-used features is a well-known technique in user interface design (for evidence, see section 6 of "A Summary of Principles for User-Interface Design").

As to claim 29, Nokia teaches a method comprising:

For the remaining limitations of this claim, Applicant is directed to Examiner's comments regarding claim 20 above.

As to claims 30 and 34, Nokia does not explicitly teach wherein the database is modified from within the camera control software application.

However, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to have modified Nokia to modify the data from within the camera control software application because it would allow the camera software to provide a shortcut to a commonly-used feature. Providing shortcuts for commonly-used features is a well-known technique in user interface design (for evidence, see section 6 of "A Summary of Principles for User-Interface Design").

As to claim 31, Nokia teaches an apparatus comprising:

an input including soft keys (See e.g. page 42, "Contacts", Fig. 1. The "Options" and "Exit" options correspond to soft keys. Note that, for example, in Fig. 2 on page 44 the "Exit" option is replaced with a "Back" option.)

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For the remaining limitations of this claim, Applicant is directed to Examiner's comments regarding claim 20 above.

As to claim 8, Nokia, as modified, teaches wherein the database software application functions as at least a telephone book (see page 42, "Contacts").

As to claim 9, Nokia, as modified, teaches wherein each contacts entry has at least one alphanumeric text field for storing a telephone number (see page 42, "Contacts", "you can store and manage contact information such as names, phone numbers and addresses").

As to claim 10, Nokia, as modified, teaches operating as a telephone, further wherein the processor is responsive to an incoming call to display an image from the image field of a contacts database entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call (see page 19, Fig. 3).

As to claim 11, Nokia, as modified, teaches wherein the contacts entry can be selected by a user scrolling the image fields of the database (see page 44, Fig. 2 and see page 47, Fig. 3).

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As to claim 13, Nokia, as modified, teaches further comprising a temporary memory for temporarily storing a captured image (see page 51, lines 1-2. The default location is a temporary location because the user is immediately presented with an option to Delete it).

As to claim 14, Nokia, as modified, teaches the camera control software application is arranged to transfer the captured image from temporary storage in the temporary memory to permanent storage accessible by the viewing application (See page 51. After the image is taken, the user has the option to delete it. If the user chooses not to delete it, the image is stored permanently).

As to claims 32 and 36, Nokia, as modified, teaches wherein, upon the user selecting the option to add the captured image to the database memory, the camera control software application is configured to present a plurality of sub-options including a sub-option to create a new contacts entry in the database (see page 42, "Creating contact cards") and a sub-option to modify an existing contacts entry in the database (see page 43, "Editing contact cards").

As to claims 33 and 37, Nokia, as modified, teaches wherein upon the selection of one of the sub-option to create a new contacts entry and the sub-option to modify an existing contacts entry, adding the captured image to an image field of the selected one

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of the new contacts entry and the existing contacts entry (see Examiner's comments above and pages 42-44).

As to claim 35, Nokia teaches a user interface, comprising:

For the remaining limitations of this claim, Applicant is directed to Examiner's comments regarding claim 31 above.

Response to Arguments

4. Applicant's arguments filed on 27 July 2009 with respect to the rejected claims in view of the cited references have been fully considered but are not deemed persuasive.

Applicant argues that the LG reference is not available as a prior art reference because of the methodology used by the Examiner in establishing a publication date. The Examiner respectfully disagrees.

The creation date of the reference provides a presumed date of publication. The burden shifts to the Applicant to provide factual evidence to the contrary. Applicant has provided no such evidence.

Applicant's argument further fails in light of newly-cited documents. The well-known web site CNET reviewed the VX6000 on 31 July 2003 and states that the phone was released on 8 July 2003. Thus, the latest possible date the user manual could be

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unavailable to the public would be 8 July 2003, which still predates the filing date of the instant application by over two months.

Applicant further argues that the prior art of record does not teach "assigning the picture from a camera menu instead of from a phonebook menu" (emphasis added). The Examiner respectfully disagrees.

As stated in the prior art rejection, this feature is taught by LG. The "Set As... Contacts" option is presented in a "list" in a "Menu" after pressing 1 then 2 and selecting "Camera". See LG, page 51. Thus, pictures are assigned to contacts via a "Camera" menu, not from a phonebook menu.

Applicant argues that the Examiner does not "assign patentable weight to the word 'immediately'". The Examiner respectfully disagrees.

The Examiner assigns weight to the term; in fact, the final two paragraphs of the prior art rejection are devoted to that single term.

Applicant states that "[t]he relevance of" "A Summary of Principles for User-Interface Design" "is not understood". The Examiner apologizes for any confusion.

The document is cited as evidence of a well-known technique in the computer programming art. Commonly-used features of a device or program should be easy for a user to perform. Thus, shortcuts and other types of automation are typically provided. This fact further strengthens the weight of the *In re Venner* argument.

Applicant argues that the *In re Venner* analysis fails because the claimed features are not automating a manual activity, rather "represents a rearrangement of processing steps." The Examiner respectfully disagrees.

Processing steps are not rearranged by the claimed invention; a user still takes a picture, presses a button combination and creates a mapping between the picture and a contact. The alleged invention's novelty lies in using fewer button presses to accomplish this task. Complicated prior art button combinations are reduced to a few (or single) button presses. Thus, a previously manual activity (steps 1-5 on pages 51-52 of LG, etc.) are automatically performed by the phone, rather than the user. At no point are steps rearranged. It is clear that automation of a known process has taken place.

The Examiner does not disagree with Applicant's definition of "immediately" at this time.

However, there is no need to define the term.

Finally, Applicant argues that certain claim language was ignored (see the bottom of page 13 of Applicant's Response).

This is not true. The camera menu is taught by both prior art references relied upon in the rejection at the cited locations.

Additional References

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"LG VX6000 series - Cell Phones - CNET Reviews" available online at
http://reviews.cnet.com/cell-phones/lg-vx6000-verizon-wireless/4652-6454_7-30468833.html

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications should be directed to the examiner, Mark A. Radtke. The examiner's telephone number is (571) 272-7163, and the examiner can normally be reached between 9 AM and 5 PM, Monday through Friday.

If attempts to contact the examiner are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil, can be reached at (571) 272-4074.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at (800) 786-9199.

maxr

/Neeven Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165